

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | | |
|----------------------------|-------------|---|------------------------|
| DONNA M. GRITTERS; | |) | |
| | Plaintiff, |) | CIVIL ACTION |
| | |) | |
| OCWEN LOAN SERVICING, LLC; | |) | File No. 1:14-cv-916 |
| NATIONSTAR MORTGAGE, LLC; | v. |) | |
| FEDERAL HOME LOAN | |) | Hon. Jorge Luis Alonso |
| MORTGAGE CORPORATION; AND | |) | |
| PIERCE & ASSOCIATES, P.C.; | |) | |
| | Defendants. |) | |

AGREED MOTION TO EXTEND THE CLOSE OF FACT DISCOVERY

Plaintiff Donna M. Gritters (“Gritters”) and Defendants Ocwen Loan Servicing, LLC, Nationstar Mortgage, LLC, Federal Home Loan Mortgage Corporation, and Pierce & Associates bring this agreed motion to extend the close of fact discovery from September 30, 2015 to October 30, 2015 for the limited purpose of completing the outstanding fact discovery described herein. In support of this motion, the parties states as follows:

1. On February 10, 2014, Gritters filed the instant lawsuit against Defendants Ocwen Loan Servicing, LCC (“Ocwen”), Nationstar Mortgage, LLC (“Nationstar”), Pierce & Associates, P.C. (“Pierce”), and Freddie Mac (collectively “Defendants”) that included the following causes of action:

- a. **Count I** – Breach of Contract (Ocwen, Nationstar, Freddie Mac);
- b. **Count II** – FDCPA (Ocwen, Nationstar, Freddie Mac);
- c. **Count III** – FDCPA (Pierce);
- d. **Counts IV** – Illinois Consumer Fraud and Deceptive Business Practices Act (Ocwen, Nationstar, Freddie Mac);
- e. **Count V** – RESPA (Ocwen and Nationstar);
- f. **Count VI** – Breach of Fiduciary Duty (Ocwen, Nationstar, Freddie Mac); and
- g. **Count VII** – TILA (Freddie Mac).

[Doc. No. 1].

2. Ocwen and Pierce have filed motions to dismiss the First Amended Complaint (“Complaint”), which are fully-brief and currently pending. [Doc. Nos. 87, 88, 99, 102, 103, 114]. Nationstar answered the Complaint. [Doc. No. 101]. Plaintiff has agreed to voluntarily dismiss Federal Home Loan Mortgage Corporation, pursuant to settlement, and the parties are preparing a stipulation to dismiss.

3. The parties requested extensions to the close of discovery several times while engaged in settlement discussions and while this matter was referred to Magistrate Gilbert for a settlement conference. The referral to Magistrate Gilbert was terminated on May 18, 2015 after the parties were not able to settle the matter. [Doc. No. 105]. The parties most recently filed an agreed motion to extend the close of fact discovery from July 31, 2015 until September 30, 2015 for purposes of completing supplemental discovery and depositions, and that motion was granted on July 8, 2015. [Doc. Nos. 116, 118].

4. The parties have completed Rule 30(b)(6) depositions of defendants Nationstar, Ocwen, and Pierce. A deposition of Plaintiff has been noticed for September 29, 2015.

5. Plaintiff and Ocwen have exchanged a series of Rule 37 communications with respect to certain information and documents that Ocwen is still in the process of locating. These documents include emails and phone call recordings that are maintained by third-party vendors. Ocwen has been diligently working through various technical issues with its vendors to locate and produce the requested information and documents, but it likely will not be able to complete its production before the current discovery deadline. Ocwen has also been diligently searching for historical policies and procedures documents that are not readily available. Ocwen, however, believes it will be able to locate and produce the documents, and produce information and documents received from its technology vendor, by October 30, 2015.

6. Plaintiff and Ocwen have agreed to an additional Rule 30(b)(6) deposition of Ocwen once it locates the policies and procedures documents.

7. Plaintiff and Nationstar have exchanged a series of Rule 37 communications with respect to Nationstar's discovery responses. Plaintiff and Nationstar have agreed that Plaintiff will take a second Rule 30(b)(6) deposition of Nationstar regarding policies and procedures and any other information provided by Nationstar in discovery after the completion of its first Rule 30(b)(6) deposition.

8. Accordingly, to allow Ocwen enough time to produce documents that it is currently searching for and to amend its written discovery responses as necessary, and to allow time for Plaintiff to take its additional Rule 30(b)(6) depositions, the parties respectfully request a final extension of the close of fact discovery until October 30, 2015 for the limited purposes described herein.

9. Lastly, Plaintiff has agreed and stipulated with both Ocwen and Nationstar to stay all punitive damages discovery (i.e. financials, net worth, pattern and practice discovery) pending a ruling on Plaintiff's ICFA and breach of fiduciary duty claims.

10. The parties have prepared a proposed agreed order that will be sent to Proposed_Order_Alonso@ilnd.uscourts.gov.

WHEREFORE, the parties respectfully request that this Court enter the proposed agreed order extending the close of fact discovery to October 30, 2015 for the limited purposes of completing the outstanding discovery described herein, and enter any further relief this Court deems just and proper.

Date: September 25, 2015

Donna Gritters

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